

REMARKS

This paper is in response to the Office Action of March 16, 2005. The due date for response extends to June 16, 2005. Please enter these amendments and remarks.

The Applicant has reviewed the Office Action and the Examiner's reasons for rejections. Amendments have been made to the claims to better define the invention and to clarify aspects of the invention which are not taught nor suggested by the cited art.

Claims 1-20 were rejected under 35 USC § 103(a), as being obvious over Applicant's Admitted Prior Art (AAPA) and the disclosure of U.S. Published Application (US 2002/0059451 A1) ("Haviv"). Haviv teaches a system that enables load balancing in computer to computer communication. As described by Haviv, the teachings are applicable for network communication between peer-to-peer systems and other computers. It is true that Haviv teaches the use of RDMA and RPC, but such RDMA and RPC use is limited to communication in a load balancing environment between a client that interfaces with several routers and then to a server (see Figs. 1, 4 and 5). Special attention should be paid to the teachings of Fig. 3 of Haviv. The Examiner pointed to several paragraphs in Haviv, namely 0045, 0049 and 0050 to illustrate the use of RPC and RDMA. However, a clear teaching is provided by way of Haviv's description and Fig. 3 that such communication will require special modification of an Application 32, Application Interface 34, Kernel Agent 38 and Communication Hardware 36.

Haviv is very specific that such modification is needed in the Application interface 34. To make this clear, Haviv states in 0045 that the "Application Interface 34 may be embedded between layers of a standard network." This embedding will cause modification of the standard layers. Still further, Haviv states that "... application interface 34 may replace the standard application and/or session network layers of the OSI model." And still again, Haviv states that "[a]pplication interface 34 may replace the socket application programming interface (API). These modifications, as is well know to those skilled in the art, will occur at the application layer and API layer.

In contrast, with reference to Figure 4 and 5 of the present invention, the claims as amended make it clear that the unifying layer is at a level that isolates upper layers, such as the application layer, Network File System and RPC calls from modification. The claims


have also been amended to make clear that formatting the Remote Procedure Call is performed without modifications to the Network File System protocol or Remote Procedure Call. Consequently, the modification of an "application interface 34", as suggested by Haviv is counter to the now claimed invention. For support of these claim amendments, reference can be made to page 14, lines 14-20 and page 16, lines 6-16.

The claims were further amended to include the formatting aspect of the unifying layer into the independent claims. As noted, the unifying layer does not require the modification of other layers, nor does it require special modification of the applications, application interfaces, or network file systems.

In view of the amendments made to the independent claims and the distinctions pointed out herein, the Applicants believe that the claims are patentable over the cite art distinctly claim the functionality of the invention. For at least the foregoing reasons, the Applications respectfully request a Notice of Allowance.

If the Examiner has any questions concerning the present amendment, the Examiner is kindly requested to contact the undersigned at (408) 749-6903. If any other fees are due in connection with filing this amendment, the Commissioner is also authorized to charge Deposit Account No. 50-0805 (Order No SUNMP430). A duplicate copy of the transmittal is enclosed for this purpose.

Respectfully submitted,
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